

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WACHOVIA BANK, N.A. AS TRUSTEE  
(BAYVIEW),

No. C 07-6015 SI

Plaintiff,

**ORDER TO SUBMIT FURTHER  
INFORMATION RE: DEFENDANT  
ELSTEAD'S MOTION TO DISMISS**

v.

JOHN CLIFTON ELSTEAD, *et al.*,

Defendants.

Defendant John Clifton Elstead has filed a motion to dismiss the complaint. The motion is scheduled for a hearing on March 21, 2008 at 9:00 a.m.

The Court directs plaintiff and defendant John Clifton Elstead to file statements, no later than **noon on March 20, 2008**, providing the following information about the pending state court appeal: (1) the status of the appeal, including whether the appeal has been perfected; and (2) identification of the claims (and any counterclaims) asserted in the state court lawsuit, including whether the state court lawsuit included a foreclosure claim or other claim which would affect or transfer title to the subject property.

The Court also notes that the United States of America, which is named as a defendant and which removed this action to this Court, has not filed a response to the motion. The Court directs the United States to file a response to the motion no later than **noon on March 20, 2008**.

**IT IS SO ORDERED.**

Dated: March 18, 2008



SUSAN ILLSTON  
United States District Judge

**United States District Court**  
For the Northern District of California

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